

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL PARISH,	)		
	)		
<i>Plaintiff,</i>	)		
	)	No. 08 CV	
-vs-	)		
	)	<i>(jury demand)</i>	
CITY OF CHICAGO and	)		
CHICAGO POLICE DETECTIVES	)	FILED	
JOSEPH A. STRUCK #20857,	)	JUNE 1, 2008	YM
TIMOTHY O'BRIEN, #20034,	)	08CV3148	
McCORMACK, GRZEMSKI, and	)	JUDGE DARRAH	
MICHAELS,	)	MAGISTRATE JUDGE NOLAN	

**COMPLAINT**

Plaintiff, by counsel, allege as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343 and 28 U.S.C. §1367.
2. Plaintiff Michael Parish is a resident of the Northern District of Illinois.
3. Defendant CITY OF CHICAGO is an Illinois municipal corporation. The City is joined in this action as the potential indemnifier on plaintiff's federal claim and under the doctrine of respondeat superior on plaintiff's supplemental state law claim.
4. Defendants JOSEPH A. STRUCK #20857, TIMOTHY O'BRIEN, #20034, McCORMACK, GRZEMSKI, and MICHAELS, were at all times relevant acting under color of their authority as Chicago police detectives and are sued in their individual capacity.
5. In May of 2005, defendants JOSEPH A. STRUCK #20857, TIMOTHY O'BRIEN, #20034, McCORMACK, GRZEMSKI, and MICHAELS,

acting within the scope of their employment as Chicago police officers, caused plaintiff to be charged with a criminal offense.

6. The above named Chicago police officers acted unreasonably in causing plaintiff to be charged with a criminal offense; the unreasonable acts included persuading witnesses to provide false statements implicating plaintiff, preparing one or more false police reports, suppressing exculpatory evidence, and fabricating evidence of plaintiff's guilt.
7. As a result of the above referred acts, plaintiff remained in custody until June of 2007, when he was released from custody following his acquittal of the false charges.
8. The above described actions of defendants caused plaintiff to be subjected to the Illinois tort of malicious prosecution and to be deprived of rights secured by the Fourth Amendment to the Constitution of the United States.
9. Plaintiff brings this action for the purpose, *inter alia*, of reversing the present rule in the Seventh Circuit rejecting the existence of a federal claim in the nature of malicious prosecution.
10. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered in his favor and against defendants in an amount in excess of one million dollars as compensatory damages.

*/s/ Kenneth N. Flaxman*

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